

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>HENRY ERIC JOHNSON,</b>	:	
	:	<b>5:06-cv-103 (CAR)</b>
<b>Petitioner,</b>	:	
	:	
<b>vs.</b>	:	<b>HABEAS CORPUS</b>
	:	<b>28 U.S.C. § 2254</b>
<b>ALEXIS CHASE, Warden, et al.,</b>	:	
	:	
<b>Respondents.</b>	:	

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***ORDER ON THE REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge’s Recommendation (doc. 20) to dismiss the above-captioned petition for federal habeas corpus relief for lack of jurisdiction. Petitioner Henry Eric Johnson (“Johnson”) filed an Objection (doc. 21) to the Recommendation. Notwithstanding the substantive arguments raised by Johnson in his Objection, the Court lacks jurisdiction to hear this case because Johnson filed his successive petition before obtaining an order from the Eleventh Circuit authorizing this Court to consider Johnson’s application. *See* 28 U.S.C.A. § 2244(b)(3)(A). Accordingly, the United States Magistrate Judge’s Recommendation (doc. 20) is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**. Johnson’s petition for writ of habeas corpus is hereby **DISMISSED *without prejudice***. In light of the Court’s foregoing determination, Johnson’s Motion to Stay Petition for Habeas Corpus (doc. 17) is **MOOT**.

**SO ORDERED**, this 7th day of March, 2007.

S/ C. Ashley Royal  
C. ASHLEY ROYAL  
UNITED STATES DISTRICT JUDGE

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